

REMARKS

Claims 1-6 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hirahara et al. (U.S. Pat. Application Publication No. 2002/0160252, hereinafter "Hirahara"). This rejection is respectfully traversed.

At the outset, Applicants respectfully submit that Hirahara fails to teach the method of making a non-woven diffusion media as claimed in claim 1. The method of claim 1 specifically requires "cutting carbon fibers into predetermined lengths" and "forming a paper material using the chopped fibers," which constitutes the forming of a non-woven media. Contrary to forming a non-woven diffusion media, Hirahara discloses a woven diffusion media. Hirahara actually teaches away from the claimed method.

It is established that where references, instead of suggesting the invention, seek or warn to avoid suggestion, such references diverge from and teach away from the invention at hand and it is error to find obviousness based on such references. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1599 (Fed. Cir. 1988)(citing W.L. Gore & Assocs. v. Garlock, Inc., 721 F.2d 1540, 1550, 220 USPQ2d 303, 311 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)). While Hirahara discusses both woven and non-woven fabrics, it teaches against the use of non-woven fabrics in favor of woven fabrics.

Specifically, Hirahara states that “[n]on-woven fabrics are relatively low in gas permeability, electrical conductivity, etc. and have relatively high stiffness.” (paragraph [0039]). Hirahara goes on to discuss the woven fabrics for the remainder of the application. Hirahara specifically discusses woven fabrics in paragraph [0065] cited by the Examiner.

Applicants submit that it is clearly non-obvious to use the method of claim 1 for creating a diffusion media in view of the comments present in Hirahara. Specifically, according to Hirahara, non-woven fabrics have poor electrical conductivity. As such, one skilled in the art could not conclude from Hirahara that an acceptable diffusion media may be formed from a non-woven material without a graphitization step (which increases electrical conductivity).

The Examiner further cites example 4 as disclosing the method of claim 1. However, Applicants submit that example 4 includes the graphitization step. Example 4 uses the woven fabric of example 1, which is graphitized at 2000 °C. Example 4 merely includes a phenolic resin that is not graphitized.

As such, Applicants respectfully submit that claim 1 is in condition for allowance. Claims 2-6 depend from claim 1 and should be in condition for allowance for the reasons set forth above. Therefore, reconsideration and withdrawal of the rejection of claims 1-6 are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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